

ESTTA Tracking number: **ESTTA233399**

Filing date: **08/28/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91183905
Party	Defendant Eric Watson
Correspondence Address	MICHAEL F. HUGHES HUGHES LAW FIRM, PLLC 4164 MERIDIAN STREET, SUITE 302 BELLINGHAM, WA 98226-5583 UNITED STATES carole@inventionlaw.com
Submission	Answer
Filer's Name	Michael F. Hughes
Filer's e-mail	carole@inventionlaw.com
Signature	/Michael F. Hughes/
Date	08/28/2008
Attachments	2008-08-28-Answer.pdf ( 6 pages )(611620 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

GOOGLE INC.,	)	
	)	
Opposer	)	
	)	
v.	)	Opposition No.: 91183905
	)	
ERIC WATSON,	)	
	)	
Applicant	)	
	)	
	)	
	)	

---

**APPLICANT'S ANSWER TO AMENDED OPPOSITION OF JULY  
25, 2008**

Applicant, Eric Watson, by his attorney, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Amended Notice of Opposition and, therefore, denies said allegations.
2. Applicant admits the allegations set forth in Paragraph 2 of the Amended of Opposition.
3. Applicant has not thoroughly researched the ownership of the Application Serial No. 78/802, 261 and 78/802,278 and, therefore, denies said allegations.
4. Applicant admits the allegations set forth in Paragraph 4 of the Amended Notice of Opposition.
5. Opposer's allegation in Paragraph 5 is vague and requires further analysis, and therefore Applicant denies said allegation.
6. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 6 of the Amended Notice of Opposition and, therefore, denies said allegations.

7. Applicant admits the allegations set forth in Paragraph 7 of the Amended Notice of Opposition.
8. Applicant admits the allegations set forth in Paragraph 8 of the Amended Notice of Opposition.
9. Applicant has not thoroughly researched the ownership of the alleged Applications and, therefore, denies said allegations.
10. Applicant has not thoroughly researched the ownership of the alleged Applications and, therefore, denies said allegations.
11. Applicant denies the allegations set forth in Paragraph 11 of the Amended Notice of Opposition.
12. Applicant has not fully researched all of Google's Registrations to make the allegations set forth in Paragraph 12 categorically correct; therefore, Applicant must deny the allegations as recited in Paragraph 12 of the Amended Notice of Opposition.
13. Applicant admits the allegations set forth in Paragraph 13 of the Amended Notice of Opposition.
14. The allegations set forth in Paragraph 14 of the Amended Notice of Opposition would require further clarification with regard to timing and other elements of the allegation therein to properly answer; therefore, Applicant must deny the allegations set forth in Paragraph 14.
15. Applicant admits the allegations set forth in Paragraph 15 of the Amended Notice of Opposition.
16. Applicant admits the allegations set forth in Paragraph 16 of the Amended Notice of Opposition.
17. Applicant admits the allegations set forth in Paragraph 17 of the Amended Notice of Opposition.
18. The Applicant had acquired the domain name "www.gootube.com" prior to October 12, 2006 with the intent to eventually provide digital content related to small children and the parents thereof. Present analysis indicates that there was not sufficient use to classify as use in commerce,

and therefore the Applicant admits the allegation as set forth in Paragraph 18 of the Amended Notice of Opposition.

19. Applicant admits the allegations set forth in Paragraph 19 of the Amended Notice of Opposition.
20. Applicant admits the allegations set forth in Paragraph 20 of the Amended Notice of Opposition.
21. Applicant admits the allegations set forth in Paragraph 21 of the Amended Notice of Opposition.
22. Applicant admits the allegations set forth in Paragraph 22 of the Amended Notice of Opposition.
23. Applicant admits the allegations set forth in Paragraph 23 of the Amended Notice of Opposition.
24. Applicant admits the allegations set forth in Paragraph 24 of the Amended Notice of Opposition.
25. Applicant admits the allegations set forth in Paragraph 25 of the Amended Notice of Opposition.
26. Applicant admits the allegations set forth in Paragraph 26 of the Amended Notice of Opposition.
27. Applicant denies the allegations set forth in Paragraph 27 of the Amended Notice of Opposition.
28. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 28 of the Amended Notice of Opposition and, therefore, denies said allegations.
29. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 29 of the Amended Notice of Opposition and, therefore, denies said allegations.
30. Applicant admits the allegations set forth in Paragraph 30 of the Amended Notice of Opposition.
31. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 31 of the Amended Notice of Opposition and, therefore, denies said allegations.

32. Applicant admits the allegations set forth in Paragraph 32 of the Amended Notice of Opposition.
33. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 33 of the Amended Notice of Opposition and, therefore, denies said allegations.
34. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 34 of the Amended Notice of Opposition and, therefore, denies said allegations.
35. Applicant admits the allegations set forth in Paragraph 35 of the Amended Notice of Opposition.
36. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 36 of the Amended Notice of Opposition and, therefore, denies said allegations.
37. Applicant denies the allegations set forth in 37 as the emphasis on the second "G" in Google appears to have a stronger connection to the first portion of the spoken syllable. The term "GOOGLE" phonetically requires the speaker to make the initial sound "GUH -- OOO" in close time proximity to the following "GUH." Biomechanically through the human articulators of speech production both "GUH" sounds are generally created in the pharynx region (the rearward portion of the upper throat at the base region of the tongue). Since both "GUH" sounds are made at the same region, both "GUH" sounds occur fluidly together, hence creating one syllable "GOOG". Again utilizing the principles of articulatory phonetics, the following "LLL" sound requires a complete tongue and mouth transformation of repositioning the tongue against the front upper teeth which inherently requires a time delay, and hence such a time delay causes the beginning of the second syllable "LE" to generally be pronounced "LLL". Therefore, the allegation in Paragraph 37 of the Amended Notice of Opposition misrepresents the nature of the first syllable of "GOOGLE" and is denied.

38. Applicant admits the allegations set forth in Paragraph 38 of the Amended Notice of Opposition.
39. Applicant admits the allegations set forth in Paragraph 39 of the Amended Notice of Opposition.
40. Applicant admits the allegations set forth in Paragraph 40 of the Amended Notice of Opposition.
41. Applicant admits the allegations set forth in Paragraph 41 of the Amended Notice of Opposition.
42. Applicant admits the allegations set forth in Paragraph 42 of the Amended Notice of Opposition.
43. Applicant denies the allegations as set forth in Paragraph 43 of the Amended Notice of Opposition.
44. Applicant admits the allegations set forth in Paragraph 44 of the Amended Notice of Opposition.
45. The applicant denies the allegations as set forth in Paragraph 45 of the Amended Notice of Opposition.
46. The applicant denies the allegations as set forth in Paragraph 46 of the Amended Notice of Opposition.
47. The applicant denies the allegations as set forth in Paragraph 47 of the Amended Notice of Opposition.
48. The applicant denies the allegations as set forth in Paragraph 48 of the Amended Notice of Opposition as the emphasis on the nature of the first syllable "GOO" is substantially different from the much softer term "YOU".
49. The applicant denies the allegations as set forth in Paragraph 49 of the Amended Notice of Opposition.
50. The applicant denies the allegations as set forth in Paragraph 50 of the Amended Notice of Opposition.
51. The applicant denies the allegations as set forth in Paragraph 51 of the Amended Notice of Opposition.

52. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 52 of the Amended Notice of Opposition and, therefore, denies said allegations.
53. The applicant denies the allegations as set forth in Paragraph 53 of the Amended Notice of Opposition.
54. The applicant denies the allegations as set forth in Paragraph 54 of the Amended Notice of Opposition.
55. The applicant denies the allegations as set forth in Paragraph 55 of the Amended Notice of Opposition.
56. The applicant denies the allegations as set forth in Paragraph 56 of the Amended Notice of Opposition.
57. The applicant denies the allegations as set forth in Paragraph 57 of the Amended Notice of Opposition.

Respectfully submitted,


**Certificate of Service**

I hereby certify that this document (along with any document referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as First Class Mail on August 28, 2008 in an envelope addressed to James L. Vana, attorney for Opposer, at Perkins Coie LLP, 1201 Third Avenue, 40<sup>th</sup> Floor, Seattle, Washington 98101-3099.

Signature: 

Printed Name: Stephanie Brown

**HUGHES LAW FIRM, PLLC**

By 

Michael F. Hughes

Hughes Law Firm, PLLC

1464 Meridian St. Ste. 302

Bellingham, WA 98226-5583

360-647-1296